

**Notice of Allowability**

Application No.

09/472,602

Applicant(s)

ALLARD ET AL.

Examiner

Chau Nguyen

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/15/2004.
2. ☒ The allowed claim(s) is/are 1-3,5-13 and 16-20.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                                     |                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                         | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                   |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>0415/2004</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                           |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                          |
|                                                                                                                     | 9. <input type="checkbox"/> Other _____.                                                                      |

## REASONS FOR ALLOWANCE

1. The following is a statement of reasons for the indication of allowable subject matter:

In interpreting the claims in light of the specification and applicant's arguments, the Examiner finds the claimed invention is patentably distinct from the prior art of record.

The prior art of record, Sistanizadeh et al. (Sistanizadeh), US Patent No. 6,101,182, Driscoll et al. (Driscoll), US Patent No. 6,577,627, and Beser, US Patent No. 6,212,563, teach the invention substantially as claimed.

Sistanizadeh discloses customers/computers coupled to DNS server, DHCP server, and a gateway router, which connects to different ISPs (Abstract, col. 5, line 58 – col. 6, line 3 and Fig. 3). Various ISPs provide the DHCP server with list identifying their customer and when a packet comes into the router from the customer/computer, the router ascertains the DHCP server which ISP database lists that customer and routes the packet via that ISP (col. 8, lines 8-23). Sistanizadeh also discloses the customer is connected to the desired ISP using a Login and Password mechanism whereby the DHCP server prompts the customer making an IP Request, and this mechanism allows the customer to have more than one Login and Password, such as one for each ISP (col. 10, lines 15-25). In addition, Sistanizadeh discloses DHCP packet protocol contains a portion labeled OPTIONS, and these OPTIONS are encapsulated the user name, the MAC address (col. 12, lines 47-66).

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Driscoll discloses a method of selecting an ISP 4 of choice within the packet switched access network 10 by treating the standard IP packet as information which is encapsulated within a larger packet prepended with a second header (extended portion), and the second header comprises the source address which may be that of a user and the destination address that of a particular ISP 4, allowing the user 3 to select an ISP 4 of choice (Abstract, and col. 3, lines 30-64).

Beser discloses a system for allocating IP address for network devices using the DHCP for maintaining values of IP address according to the client identifier in the DHCP database, and when the DHCP client sends a DHCPREQUEST message to DHCP server, and IP address is assigned to the client (Abstract, col. 2, lines 60-65 and col. 13, line 20 – col. 14, line 4), multiple DHCP proxies 15 (col. 6, lines 9-18).

Claim 1 is allowed because the prior art of record does not expressly disclose alone or in combination means for generating a DHCP message including an extended portion, which contains an ISP service name, a BMPS name, an end user ID and password, to identify selected ISP in a customer request for all IP services with the BMPS serving as a proxy for the selected Internet Services Provider (ISP) and means for receiving and routing the customer request and extended DHCP request to the selected ISP for providing a unique customer IP address and all IP services to the customer after updating routing tables in the router by the ISP.

Examiner finds the specification on page 8, line 15 – page 10, line 8 to be persuasive since the applicant described the extended portion of the DHCP request

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message is different and on top of the OPTIONS field in the standard DHCP package (Figs. 3A and 3B). Additional, examiner finds Applicant's arguments "The combined references disclosed and teach a standard DHCP server processing customer request for ISP services. The customer is identified by his/her Mac address. But the address does not indicate to the server, which ISP the customer desires" and "The user packet does not include the name of the ISP server, which thus, requires DHCP server to process all user requests" on page 9 of the Remarks filed on April 15, 2004 to be persuasive as well.

2. The dependent claims 2-3 and 5 further limit independent claim 1. Claims 6-13 and 16-20 are considered allowable for the same reasons set forth for claims 1-3 and 5.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau Nguyen whose telephone number is (703) 305-4639. The Examiner can normally be reached on Monday-Friday from 8:00 am to 6:00 pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Feild, can be reached at (703) 305-9792.

The fax phone numbers for the organization where this application is assigned are as follows:

(703) 872-9306 (After Final Communications only)

(703) 872-9306 (Official Communications)

(703) 746-7240 (for Official Status Inquiries, Draft Communications only)

Inquiries of a general nature relating to the general status of this application or proceeding should be directed to the 2100 Group receptionist whose telephone number is (703) 305-3900.

Chau Nguyen  
Patent Examiner  
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JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER